

**IN THE UNITED STATES BANKRUPTCY COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA**

**In the matter of:**

**Michael Grant and  
Mary Grant**

**Debtor(s).**

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**Chapter 13**

**Case No. 16-30098**

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**PURSUANT TO LBR 9007-1, THIS MOTION WILL BE TAKEN UNDER ADVISEMENT BY THE COURT AND MAY BE GRANTED UNLESS A PARTY IN INTEREST FILES A RESPONSE WITHIN 21 DAYS OF THE DATE OF SERVICE. RESPONSES MUST BE FILED WITH THE CLERK AND SERVED UPON THE MOVING PARTY. REPSONSES MUST BE FILED ELECTRONICALLY WITH THE CLERK OR BY U.S. MAIL ADDRESSED TO THE CLERK, U.S. BANKRUPTCY COURT, ONE CHURCH STREET, MONTGOMERY, ALABAMA 36104.**

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**MOTION TO AVOID LIEN**

COME NOW the Debtors, by and through counsel, and moves this Honorable Court for an order avoiding the lien of creditor Plantation Apartments pursuant to § 522(f) of the Bankruptcy Code, and as grounds for such, would show unto the Court the following:

1. Debtors filed the instant bankruptcy case on February 11, 2016.
2. Prior to filing bankruptcy, creditor Plantation Apartments (“Plantation”) obtained a money judgment against Debtors in the District Court of Autauga County (case no. DV-2015-900218.00). Thereafter, Plantation filed a process of garnishment, and Debtor Michael Grant’s employer, Koch Foods, began withholding his wages per the garnishment order.
3. Since the garnishment began, Koch Foods withheld a total of \$869.29 from his wages and remitted those funds to the state court clerk. Of those funds, \$420.48 was withheld from pre-petition wages and \$448.81 was withheld from post-petition wages. Plantation has asserted that it has a judicial lien upon the pre-petition funds on hold.
4. No order condemning the funds ever entered in the state court case, and none of the funds were ever distributed to Plantation. Furthermore, Debtors have claimed all the funds on hold as exempt in their bankruptcy case.
5. Plantation’s lien impairs exemptions to which Debtors are entitled.

WHEREFORE, the premises considered, Debtors move this court for an order avoiding the judicial lien of Plantation Apartments upon the wages on hold in state court and for such other relief as the Court deems just.

Respectfully submitted June 23, 2016.

/s/ Joshua C. Milam  
Joshua C. Milam ASB-3046-T99U  
Attorney for Debtors  
The Shinbaum Law Firm, P.C.  
566 S Perry Street  
Montgomery, Alabama 36104  
T: 334-269-4440  
F: 334-263-4096  
jmilam@smclegal.com

#### **CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the forgoing motion upon all parties below by CM/ECF or by first-class U.S. mail on June 23, 2016.

Bankruptcy Administrator, Teresa Jacobs

Chapter 13 Trustee, Curtis C. Reding

Plantation Apartments  
c/o Darby Law Firm  
P.O. Box 3905  
Montgomery, AL 36109

Plantation Apartments  
669 Covered Bridge Parkway  
Prattville, AL 36066

/s/ Joshua C. Milam  
Joshua C. Milam ASB-3046-T99U